



Revised

Citizen Police Advisory Review Board Minutes

The Citizen's Police Advisory Review Board (CPARB) met on Tuesday, July 15, 2008, at 5:30 p.m. at the Main Library, Basement, 101 N. Stone Avenue, Tucson, Arizona.

1. Call to Order/Roll Call

Members Present:

Susan Thornton, Chair
Suzanne Elefante
Jennifer Lopez
Cynthia Schiesel
Joaquin Murrieta, Vice Chair
Barbara O'Brien

Representing:

Mayor
Ward 2
Ward 3
Ward 4
Ward 5
Ward 6

Advisory Members Present:

Geoffrey Boyce
Kathleen May
Stephen Nekolek

Advisory Member Absent:

Karen Brandel

Ex-Officio Non-Voting Members Present:

Captain Bob Shoun, Tucson Police Department
Lieutenant Vicki Reza, Tucson Police Department
Baird Greene, Principal Assistant City Attorney's Office
Liana Perez, Police Auditor
Robert Barton, Police Auditor

Ex-Officio Non-Voting Members Absent:

Sergeant Paul Sayre, Tucson Police Department

Others Present:

Assistant Police Chief Villasenor, Tucson Police Department
Meredith Gierke, Tucson Police Department
Sergeant Sharon Callan Sellers, Tucson Police Department
Steve Beller, Tucson Police Department
Ana Smith, Recording Secretary, City Clerk's Office

2. Approval of Minutes from Meeting of July 15, 2008

Motion by Cynthia Schiesel, duly seconded, and carried by a voice vote of 6 to 0 to approve the minutes of July 15, 2008, with corrections: Item 1: scrivener's error, ~~Roberta Lautensh Lager~~ **Roberta Lautenshlager**. It was stated Item 5 A. the following sentence should read: Mr. Barton also said he attended a ~~Bio-Space~~ **Biased Based** Policing Committee meeting at the office of Assistant Chief Leavitt.

3. First Call to the Audience

- A. James Lacey stated he did not feel the investigation of the alleged murder and disappearance of his mother was handled properly by the Tucson Police Department (TPD) and felt the case should be transferred to another jurisdiction or to the Federal Bureau of Investigations (FBI).
- B. James Pulliam asked for the investigation of Elnora Charles to be transferred to another jurisdiction or to the FBI.
- C. Kamani Martin said she felt the case of her grandmother Elnora Charles needed to be turned over to another jurisdiction due to interactions with TPD in the past.
- D. James Lamont Williams stated the family of Elnora Charles needed closure. He said another jurisdiction or the FBI would better handle the case.
- E. William Dean asked the Board to have TPD turn over the investigation of Elnora Charles to the FBI or another jurisdiction for an unbiased outcome.

4. Presentation (s):

- A. Provide information on missing persons in 2007-2008 from Tucson news media.

Chair Thornton asked the Board if there were any comments about the articles provided to them in their packets. There was no response by the Board.

- B. IPA and TPD interactions with Mr. Lacey – speakers Liana Perez and Lt. Reza.

Lieutenant Reza spoke about the process when a complaint comes in to the Office of Internal Affairs. She also stated, in the past, the Office of the Internal Affairs and the Independent Auditor had eight documented complaints from Mr. Lacey.

Cynthia Schiesel asked how many of the complaints from Mr. Lacey had been questioned by her office. Lieutenant Reza responded and stated she had agreed with TPD findings on all eight cases.

~~Liana Perez~~ **Lieutenant Reza** stated complaints documented were not in respect to the investigation of his mother, and the information she was privy to was very limited.

Suzanne Elefante said her concern was to let the family know TPD was doing every thing possible and the family's mother was valued. She also stated Mr. Lacey and his family felt TPD and the Independent Police Auditor (IPA) were not paying any attention to them about their concerns on the investigation of the murder and disappearance of their mother.

Assistant Police Chief Villasenor stated TPD had shared all of the information possible. Because of the frustration and anger of the family, Assistant Police Chief Villasenor said he would call the agent in charge at the FBI division in Tucson, and would explain the situation to inquire if the FBI would take the investigation.

James Lacey stated to Assistant Police Chief Villasenor that he wanted to be present when he made the phone call to the FBI, to give his side of the story.

Assistant Police Chief Mr. Villasenor stated he thought it was going to be impossible, but he would make the call and keep Mr. Lacey and his family informed of the outcome.

- C. Open investigations and limitations of CPARB actions TC10A-93 (g) – speaker Baird Greene.

Sec. 10A-93. Limitations of powers.

Neither the Citizen Police Advisory Review Board nor any member thereof, except as otherwise authorized by law, shall:

...

- g. Review or comment on the investigation of a citizen complaint where criminal charges are under investigation or pending until the case has reached a final disposition, except in those instances where the police department has determined the citizen complaint is not related to the investigation or prosecution of the criminal charge against the citizen and has completed action on the citizen complaint and any other criminal charges have reached a final disposition.

Baird Greene, Principal Assistant City Attorney explained the powers and duties of CPARB. He stated the Board reviews internal investigations after the police have conducted its own investigations. The Board reviews cases when an officer has been accused of wrongful behavior. This was the scope of the Board's powers.

The Board could not, by law, exceed the scope of its powers, which included forcing TPD to refer the matter to another jurisdiction.

Lieutenant Reza stated she had reports from the last five years that every case contact with Mr. Lacey had been formal. Lieutenant Reza said the IPA had reviewed all the investigations done by Internal Affairs, and it had been determined by her office, by her and the Captain of Professional Standards to ask Mr. Lacey to submit his complaints in writing. At the time, the office did not know Mr. Lacey had a writing disability. It was brought to their attention and other arrangements had been made to let Mr. Lacey submit his complaint via audiotape. The decision was made because Mr. Lacey became defensive and argumentative.

Suzanne Elefante asked the family if anybody else would be the person of contact to keep peace. Mr. Lacey stated, in response to the Board, that he would be and would remain the person of contact for the family.

Assistant Police Chief Villasenor stated because of the frustration shown by the family, he needed to let them know he would be out of town for a week and half. Upon his return he would contact the FBI and let Mr. Lacey know the outcome.

5. Office of Independent Police Auditor

- A. Outreach Report: Report of public outreach efforts by the office of the Independent Police Auditor during the previous month.

Bob Barton, Police Auditor, stated that in June 2008 he provided information regarding the IPA office at two different events.

Chair Thornton asked Mr. Barton about the investigation on case # 08-0216. She asked if the Board had to wait until the IPA was done with its investigation or if it could look at the case now. Lieutenant Reza stated the Board would have to wait until it closed the case.

Chair Thornton asked the Board if it would like to review the case once it was closed. The Board responded affirmatively.

- B. Monthly Contacts: Report on TPD-related contacts by members of the public with the office of the Independent Police Auditor during the previous month.

Robert Barton, Police Auditor, stated the office received nine inquiries. Three complaints the office facilitated for members of the community were filed and transferred over to Internal Affairs for investigation.

In terms of closed case review there were two prior complaints that had been initiated from their office as well as eighteen complaints which were closed files for the month. There were twenty investigations reviewed and also an

investigation where the office disagreed with the findings by Internal Affairs. Mr. Barton met with Sergeant Sayre and Lieutenant Reza and followed the protocol the office had in place. Lieutenant Reza and Captain Shoun met with Mr. Barton, Ms. Perez and Internal Affairs went back and re-opened the investigation that was ongoing.

6. Tucson Police Department:

- A. TPD Updates regarding events or developments relating to TPD during the prior month.

Captain Shoun stated there were some command transfers being made approximately a month from now that would be of interest to the Board. He said he would be transferred to the Training Academy on August 31, 2008. Captain Shoun said Captain Richards would be assigned to replace him in the Professional Standards division. Captain Shoun announced Lieutenant Stamatopoulos would be promoted to Captain on August 31, 2008. Sergeant Sayre from Internal Affairs would be promoted to Lieutenant and Sergeant Ronstandt would replace him.

- B. Office of Internal Affairs/Updates regarding events or developments relating to the Office of Internal Affairs during the prior month.

Lieutenant Reza stated that Officer Pegnato-Hill who has been with the office for several years was being promoted to Sergeant. The new officer in her place was Officer Amado.

7. Recess

Motion by Jennifer Lopez, duly seconded, and carried by a voice vote of 6 to 0, to forego recess.

8. Random Review of TPD Investigations:

1. Case#08-0169

Motion by Jennifer Lopez, duly seconded, and carried by a voice vote of 6 to 0, to find Case #08-0169 to be a fair and thorough investigation.

2. Case #08-0145

Motion by Cynthia Schiesel, duly seconded, and carried by a voice vote of 6 to 0, to find Case #08-0145 to be a fair and thorough investigation.

3. Case #08-0202

Motion by Cynthia Schiesel, duly seconded, and carried by a voice vote of 6 to 0, to find Case #08-0202 to be a fair and thorough investigation.

9. **Review of Citizen Comments submitted to Mayor and Council in reference to TPD for June as reported on 7/1/08.**

Comment #10: The Board asked if the person in question got his keys back from Gary's Towing. TPD responded the person did receive his keys except for the car keys.

10. **CPARB Subcommittee Reports**

A. Training Day November 1, 2008 topics

Chair Thornton asked the Board if they had a list of topics for Training Day. The Board did not respond. Chair Thornton said they did ask for scenarios. Lieutenant Reza said, in her opinion, the Board would benefit more from ride-alongs with TPD officers. Jennifer Lopez stated Lieutenant Reza was right about the ride-alongs; they are more beneficial and the scenarios are great as a training tool. Ms. Lopez also said Lieutenant Reza had set up the ride-a-long and all she had to do was contact the officer when she was available to go on the ride-a-long.

Jennifer Lopez said that she would like to know more on the general orders of TPD. TPD stated that General Orders are online under TPD.

Lieutenant Reza stated when participating in a ride-a-long, the participant should bring with them a range of topics to talk about. Participants did not have to ride for the entire shift and could ride for only a couple of hours. Ms. Lopez said if the participants did not have any questions for the officers, the officers would ask them questions to make sure they understood what was going on. Vice Chair Murrieta stated ride-alongs gave participants a different perspective.

Captain Shoun gave the Board alternatives to the scenarios the Board could do at Training Day such as a program called CAPS at the Academy. This was a program that recruits were put through and were always looking for role players. He said the Board members could come out and observe what training was like for an officer and see scenarios in that respect and that would not be labor intensive on the workforce since they already have to do the program for the recruits. Captain Shoun stated since he would already be at the Academy he could communicate with IA and let them know in advance so they communicate the dates and times with the Board.

Chair Thornton stated she wanted the Board to vote on having scenarios or no scenarios at Training Day. Suzanne Elefante stated because of the budget issues, she believed the ride-alongs would be more cost effective and would be the best way to get experience and understanding. Ms. Elefante asked TPD and IPA what they thought the Board would benefit from. Lieutenant Reza stated since she did not know each person individually, it was hard for her to say what the Board would benefit from, that was why she did the booklet, and it would be up to the Board to see what they needed for Training Day.

Suzanne Elefante asked the Board if it would be easier than spending the money for a training day to spend a certain period of the regular meeting learning about a topic. She asked if it would be beneficial for TPD or the Board to pick a topic since no one had expressed a concern on a specific item.

Steve Beller stated he believed the Board would benefit more from the ride-alongs. Coming out to the CAPS week, and exposing themselves to what police officers do on a day by day basis. Another item of interest would be Community Outreach. This was a way of going out to the community and speaking about different events to increase public awareness and crime prevention.

Suzanne Elefante said if the Board felt that they had something to learn about then the Board should have a training day. If not, then the Board should not have training. She stated she did not feel it was worthwhile to waste everybody's time if there was no participation of the Board. Her question to the Board was should there be a training day or not.

Chair Thornton asked the Board to come back the following month to discuss whether or not the Board should have a training day or spend part of a regular meeting on a topic they wished to learn about.

11. Second Call to the Audience

There were no speakers.

12. Report from the Chair / Announcements

- Chair Thornton stated CPARB was saddened to hear that Captain Shoun and Sergeant Sayre would be leaving, but was happy for them moving on to new adventures. CPARB was also looking forward to working with the new TPD representatives.
- Chair Thornton apprised the Board that she and Barbara O'Brien were contacted by a free lance reporter from the Tucson Weekly. She said he was

looking for whether the Independent Auditor and CPARB were a duplication of efforts because of the budget issues. She said he asked what the value was of having two civilian oversight groups. Chair Thornton stated she supported both groups because they addressed two different issues and also mentioned to him there were additional informational resources he could look into.

- Chair Thornton reminded the Board that as the Chairman of CPARB she was considered to be the only representative of the Board to speak to the media.
- Stephen Nekolek was in the process of interviewing with Carlos Romero from Ward One, to become a voting member representative of CPARB.

13. Future Agenda Items

- The Board asked for a presentation on Towing Fees and Issues.
- A presentation from Liana Perez about the Budget and how it pertained to CPARB.
- A presentation on the new police chief and what impacts it would have on CPARB.
- Community Outreach and new programs presentation for September 2008.
- Presentation from Baird Greene on Open Meeting Law in August 2008.
- Presentation on the history of CPARB and future direction of the Board for September 2008.
- Chair Thornton thanked the IPA, TPD, and City Attorney for their support and patience in dealing with the difficult situation regarding Mr. Lacey and his family.

14. Adjournment – 7:05 p.m.

Motion by Chair Thornton, duly seconded, and carried by a voice vote of 6 to 0, to adjourn.